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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91202219
Party	Plaintiff Eat Right Foods Ltd.
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Date	09/25/2012
Attachments	Notice of Reliance No.34.pdf (3 pages)(1215155 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EAT RIGHT FOODS LTD.,

Opposer,

v.

KEVIN LEVILLE,

Applicant.

Opp. No.: 91202219

Ser. No.: 77/868,068

Date of Publication:
April 26, 2011

OPPOSER EAT RIGHT FOODS LTD.'S
NOTICE OF RELIANCE NO. 34

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to 37 C.F.R. § 2.122(e) and 704.03(b)(1)(B) of the Trademark Trial and Appeal Board Manual of Practice and Procedure, Opposer Eat Right Foods Ltd. provides Notice of Reliance on Third-Party Registration No. 3,930,860, prepared and issued by the United States Patent and Trademark Office, submitted herewith.

Dated: September 25, 2012.

Respectfully Submitted,
SHARTSIS FRIESE LLP

By: _____


JOSEPH V. MAUCH

Attorneys for Opposer
EAT RIGHT FOODS LTD.

United States of America

United States Patent and Trademark Office

HEARTVIDA

Reg. No. 3,930,860

Registered Mar. 15, 2011

Int. Cls.: 5, 29, 30 and 32

TRADEMARK

PRINCIPAL REGISTER

DSM IP ASSETS B.V. (NETHERLANDS BESLOTEN VENNOOTSCHAP (B.V.))
HET OVERLOON 1
HEERLEN, NETHERLANDS 6411TE

FOR: DIETETIC SUBSTANCES, NAMELY, FOODS ADAPTED FOR MEDICAL USE; FOOD SUPPLEMENTS FOR MEDICAL USE; DIETETIC BEVERAGES ADAPTED FOR MEDICAL PURPOSES; VITAMINS; VITAMIN PREPARATIONS; NATURAL MEDICINES, NAMELY, NATURAL PHARMACEUTICAL PREPARATIONS FOR THE TREATMENT AND PREVENTION OF INFECTIOUS DISEASES, BLOOD DISORDERS, PAIN, INFLAMMATION, SEPSIS, ALOPECIA, OBESITY, NUTRITIONAL DISORDERS, HEALTH DISORDERS, EATING DISORDERS, SKIN DISORDERS AND COGNITIVE DISORDERS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FOR: DAIRY-BASED FOOD BEVERAGES, PROTEIN FOR USE AS A FOOD ADDITIVE, EDIBLE OILS AND FATS; PRESERVED, FROZEN, DRIED AND COOKED FRUITS AND VEGETABLES; JELLIES, JAMS, COMPOTES; EDIBLE OILS; SNACK FOODS, NAMELY, FRUIT-BASED SNACK FOODS, POTATO-BASED SNACK FOODS, SOY-BASED SNACK FOODS; MILK AND MILK PRODUCTS, EXCLUDING ICE CREAM, ICE MILK AND FROZEN YOGHURT; YOGHURT, IN CLASS 29 (U.S. CL. 46).

FOR: FOOD FLAVORINGS, FOOD ADDITIVES FOR NON-NUTRITIONAL PURPOSES FOR USE AS A FLAVORING; FLOUR; PREPARATIONS MADE FROM CEREALS, NAMELY, BREAKFAST CEREALS, READY TO EAT CEREAL DERIVED FOOD BARS; BREAD, PASTRY; BISCUITS; COOKIES; TEA; TEA-BASED ADDITIVES, NAMELY, MIXES IN THE NATURE OF CONCENTRATES, SYRUPS OR POWDERS USED IN THE PREPARATION OF TEA BASED BEVERAGES; SALAD DRESSINGS; MAYONNAISE, IN CLASS 30 (U.S. CL. 46).

FOR: SYRUPS FOR MAKING BEVERAGES; PREPARATIONS FOR MAKING BEVERAGES, NAMELY, FOR MAKING FRUIT FLAVORED BEVERAGES, FLAVORED WATER, ENERGY DRINKS, SPORTS DRINKS, BOTTLED WATER, FRUIT DRINKS, FRUIT JUICES, VEGETABLE JUICES, HERBAL JUICES, ISOTONIC BEVERAGES, MINERAL AND CARBONATED WATERS, NON-ALCOHOLIC BEVERAGES WITH TEA FLAVOR, SMOOTHIES, AND SOFT DRINKS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF ERPN CMNTY TM OFC REG. NO. 007281959, DATED 6-8-2010, EXPIRES 9-24-2018.

OWNER OF U.S. REG. NOS. 3,468,042, 3,739,965 AND OTHERS.



David J. Kyfas

Director of the United States Patent and Trademark Office

Reg. No. 3,930,860 SER. NO. 85-075,861, FILED 7-1-2010.

JEFFREY LOOK, EXAMINING ATTORNEY